

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Raymond J. Dattwyler, Gerald Steinost, Daniel Dykhuizen, Benjamin J.
Luft and Maria J. C. Gomes-Solecki

Application No.:

09/596,746

Group Art Unit: 1645

Filed:

June 19, 2000

Examiner: R. Swartz

For:

GROUPS OF *BORRELIA BURGDORFERI* AND *BORRELIA AFZELII*
THAT CAUSE LYME DISEASE IN HUMANS

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>16-19-01</u>	<u>Hollie Wakefield</u> Signature
HOLLIE WAKEFIELD Typed or printed name of person signing certificate	

RECEIVED
JAN 04 2002
TECH CENTER 1600/2800

REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Restriction Requirement dated September 19, 2001, the claims of Group I (Claims 1-13 and 39-43) drawn to polypeptides, are elected for initial prosecution subject to the traversal set forth below. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Responsive to the requirement for an election of species for searching purposes, Applicants hereby elect SEQ ID NO: 30 as the species. Applicants agree that Claims 1 - 42 and 43 - 47 are generic.

Applicants respectfully traverse the Restriction Requirement. Applicants agree that the product of Group I can be used in the method of immunizing of Group II or the method of detecting of Group III. However, the independent claims of Groups II and III require the same

09/596,746

-2-

elements as found in Claim 1. The basis of the invention of Groups II and III is the composition described in Claims 1, 14 and 27 and it is the composition that provides inventiveness to the method of immunizing and the method of detecting claimed in Groups II and III, respectively. Applicants further believe a search of Groups II and III primarily requires a search of the composition claimed in Claim 1. Therefore, there would be no serious burden on the Examiner to include the claims of Groups II and III within the search of Group I.

For these reasons, Applicants respectfully request the rejoicing of Groups II and III with Group I, or at least the rejoicing of Group III with Group I.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Sandra A. Brockman
Sandra A. Brockman
Registration No. 44,045
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Dated: October 19, 2001

HAMILTON
BROOK
SMITH &
REYNOLDS, P.C.

PATENTS, TRADEMARKS
COPYRIGHTS & LITIGATION

530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133
TEL (978) 341-0036
FAX (978) 341-0136
www.hbsr.com

MUNROE H. HAMILTON
(1906-1984)

DAVID E. BROOK
JAMES M. SMITH
LEO R. REYNOLDS
JOHN L. DUPRÉ
DAVID J. BRODY
MARY LOU WAKIMURA
ALICE O. CARROLL
N. SCOTT PIERCE
HELEN E. WENDLER
SUSAN G. L. GLOVSKY
DOREEN M. HOOLE
RICHARD W. WAGNER
ROBERT T. CONWAY
RODNEY D. JOHNSON
DAVID J. THIBODEAU, JR.
ANNE J. COLLINS
LISA M. TREANNIE

JACQUELINE M. ARENDT
GERALD M. BLUHM
JOHN M. CARD
LINDA M. CHINN
STEVEN G. DAVIS
JEFFREY J. DUQUETTE
CAROL A. EGNER
ERIK L. ENCE
TODD A. GERETY
ANTOINETTE G. GIUGLIANO
JOYCE C. HERSH
JONG P. HONG
PAUL P. KRUZ
C. STEVEN KURLOWECZ
HELEN LEE
CHRISTOPHER J. LUTZ
TIMOTHY J. MEAGHER
DEIRDRE E. SANDERS
KEVIN T. SHAUGHNESSY
MARK B. SOLOMON
J. SCOTT SOUTHWORTH
A. CRISTINA TAYLOR
JON C. TRACHTERBERG
DARRELL L. WONG
* NOT ADMITTED IN MASS.

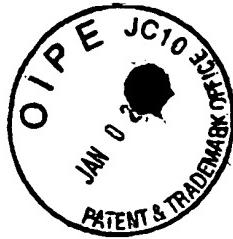
OF COUNSEL
RICHARD A. WISE
ANNE I. CRAIG
ELIZABETH W. MATA

SUPERVISING PATENT AGENT
CAROLYN S. ELMORE

PATENT AGENTS
SUSAN M. ABELLEIRA
SANDRA A. BROCKMAN
THERESA A. DEVLIN
CAROLINE M. FLEMING
MARY K. MURRAY
PAMELA A. TORPEY
ROBERT H. UNDERWOOD

TECHNOLOGY SPECIALISTS
PAUL G. ALLOWAY
KELLIE L. CARDEN
COLIN C. DURHAM
JESSE A. FECKER
JOSEPH M. MARAIA
DAVID RUCANDO
VIVIEN TANNOCH
KAREN J. TOWNSEND
BRIAN P. TURANO
MICHAEL M. YAMAUCHI
JOSEPH C. ZUCCHERO

MICHAEL KEWESHAN
ADMINISTRATIVE DIRECTOR
BARBARA J. FORGE
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE



RECEIVED
JAN 04 2002
TECH CENTER 1600/2900

ANNOUNCEMENT

Please note that Hamilton, Brook, Smith & Reynolds, P.C.,
has relocated.

Effective immediately, our new postal address and contact
numbers are as follows:

Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742-9133
USA

Telephone: (978) 341-0036
Facsimile: (978) 341-0136